



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1331

Introduced 2/9/2017, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-102	from Ch. 68, par. 1-102
775 ILCS 5/1-103	from Ch. 68, par. 1-103
775 ILCS 5/3-102	from Ch. 68, par. 3-102
775 ILCS 5/3-103	from Ch. 68, par. 3-103
775 ILCS 5/3-106	from Ch. 68, par. 3-106

Amends the Illinois Human Rights Act. Changes the Section concerning the declaration of policy to include preventing discrimination based on source of income. Provides that "source of income" means the source of any lawful income or any lawful rent payment that can be verified as to its amount, length of time received, regularity, or receipt, including any subsidy authorized under Section 8 of the United States Housing Act of 1937 and any other local, State, or federal subsidy or benefit. Provides that it is a civil rights violation for an owner or any other person engaging in a real estate transaction, or a real estate broker or salesman, to engage in specified behaviors because of source of income. Provides that specified provisions of the Act do not prohibit persons engaged in the business of furnishing appraisals of real property from taking into consideration factors other than those based on, among other factors, source of income in furnishing appraisals.

LRB100 08548 HEP 18673 b

1 AN ACT concerning human rights.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 1-102, 1-103, 3-102, 3-103, and 3-106 as
6 follows:

7 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

8 Sec. 1-102. Declaration of Policy. It is the public policy
9 of this State:

10 (A) Freedom from Unlawful Discrimination. To secure for all
11 individuals within Illinois the freedom from discrimination
12 against any individual because of his or her race, color,
13 religion, sex, national origin, ancestry, age, order of
14 protection status, marital status, physical or mental
15 disability, military status, sexual orientation, pregnancy, or
16 unfavorable discharge from military service in connection with
17 employment, real estate transactions, access to financial
18 credit, and the availability of public accommodations.

19 (B) Freedom from Sexual Harassment-Employment and
20 Elementary, Secondary, and Higher Education. To prevent sexual
21 harassment in employment and sexual harassment in elementary,
22 secondary, and higher education.

23 (C) Freedom from Discrimination Based on Citizenship

1 Status-Employment. To prevent discrimination based on
2 citizenship status in employment.

3 (D) Freedom from Discrimination Based on Familial Status or
4 Source of Income-Real Estate Transactions. To prevent
5 discrimination based on familial status or source of income in
6 real estate transactions.

7 (E) Public Health, Welfare and Safety. To promote the
8 public health, welfare and safety by protecting the interest of
9 all people in Illinois in maintaining personal dignity, in
10 realizing their full productive capacities, and in furthering
11 their interests, rights and privileges as citizens of this
12 State.

13 (F) Implementation of Constitutional Guarantees. To secure
14 and guarantee the rights established by Sections 17, 18 and 19
15 of Article I of the Illinois Constitution of 1970.

16 (G) Equal Opportunity, Affirmative Action. To establish
17 Equal Opportunity and Affirmative Action as the policies of
18 this State in all of its decisions, programs and activities,
19 and to assure that all State departments, boards, commissions
20 and instrumentalities rigorously take affirmative action to
21 provide equality of opportunity and eliminate the effects of
22 past discrimination in the internal affairs of State government
23 and in their relations with the public.

24 (H) Unfounded Charges. To protect citizens of this State
25 against unfounded charges of unlawful discrimination, sexual
26 harassment in employment and sexual harassment in elementary,

1 secondary, and higher education, and discrimination based on
2 citizenship status in employment.

3 (Source: P.A. 98-1050, eff. 1-1-15.)

4 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

5 Sec. 1-103. General Definitions. When used in this Act,
6 unless the context requires otherwise, the term:

7 (A) Age. "Age" means the chronological age of a person who
8 is at least 40 years old, except with regard to any practice
9 described in Section 2-102, insofar as that practice concerns
10 training or apprenticeship programs. In the case of training or
11 apprenticeship programs, for the purposes of Section 2-102,
12 "age" means the chronological age of a person who is 18 but not
13 yet 40 years old.

14 (B) Aggrieved Party. "Aggrieved party" means a person who
15 is alleged or proved to have been injured by a civil rights
16 violation or believes he or she will be injured by a civil
17 rights violation under Article 3 that is about to occur.

18 (C) Charge. "Charge" means an allegation filed with the
19 Department by an aggrieved party or initiated by the Department
20 under its authority.

21 (D) Civil Rights Violation. "Civil rights violation"
22 includes and shall be limited to only those specific acts set
23 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
24 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
25 6-101, and 6-102 of this Act.

1 (E) Commission. "Commission" means the Human Rights
2 Commission created by this Act.

3 (F) Complaint. "Complaint" means the formal pleading filed
4 by the Department with the Commission following an
5 investigation and finding of substantial evidence of a civil
6 rights violation.

7 (G) Complainant. "Complainant" means a person including
8 the Department who files a charge of civil rights violation
9 with the Department or the Commission.

10 (H) Department. "Department" means the Department of Human
11 Rights created by this Act.

12 (I) Disability. "Disability" means a determinable physical
13 or mental characteristic of a person, including, but not
14 limited to, a determinable physical characteristic which
15 necessitates the person's use of a guide, hearing or support
16 dog, the history of such characteristic, or the perception of
17 such characteristic by the person complained against, which may
18 result from disease, injury, congenital condition of birth or
19 functional disorder and which characteristic:

20 (1) For purposes of Article 2 is unrelated to the
21 person's ability to perform the duties of a particular job
22 or position and, pursuant to Section 2-104 of this Act, a
23 person's illegal use of drugs or alcohol is not a
24 disability;

25 (2) For purposes of Article 3, is unrelated to the
26 person's ability to acquire, rent or maintain a housing

1 accommodation;

2 (3) For purposes of Article 4, is unrelated to a
3 person's ability to repay;

4 (4) For purposes of Article 5, is unrelated to a
5 person's ability to utilize and benefit from a place of
6 public accommodation;

7 (5) For purposes of Article 5, also includes any
8 mental, psychological, or developmental disability,
9 including autism spectrum disorders.

10 (J) Marital Status. "Marital status" means the legal status
11 of being married, single, separated, divorced or widowed.

12 (J-1) Military Status. "Military status" means a person's
13 status on active duty in or status as a veteran of the armed
14 forces of the United States, status as a current member or
15 veteran of any reserve component of the armed forces of the
16 United States, including the United States Army Reserve, United
17 States Marine Corps Reserve, United States Navy Reserve, United
18 States Air Force Reserve, and United States Coast Guard
19 Reserve, or status as a current member or veteran of the
20 Illinois Army National Guard or Illinois Air National Guard.

21 (K) National Origin. "National origin" means the place in
22 which a person or one of his or her ancestors was born.

23 (K-5) "Order of protection status" means a person's status
24 as being a person protected under an order of protection issued
25 pursuant to the Illinois Domestic Violence Act of 1986 or an
26 order of protection issued by a court of another state.

1 (L) Person. "Person" includes one or more individuals,
2 partnerships, associations or organizations, labor
3 organizations, labor unions, joint apprenticeship committees,
4 or union labor associations, corporations, the State of
5 Illinois and its instrumentalities, political subdivisions,
6 units of local government, legal representatives, trustees in
7 bankruptcy or receivers.

8 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
9 or medical or common conditions related to pregnancy or
10 childbirth.

11 (M) Public Contract. "Public contract" includes every
12 contract to which the State, any of its political subdivisions
13 or any municipal corporation is a party.

14 (N) Religion. "Religion" includes all aspects of religious
15 observance and practice, as well as belief, except that with
16 respect to employers, for the purposes of Article 2, "religion"
17 has the meaning ascribed to it in paragraph (F) of Section
18 2-101.

19 (O) Sex. "Sex" means the status of being male or female.

20 (O-1) Sexual orientation. "Sexual orientation" means
21 actual or perceived heterosexuality, homosexuality,
22 bisexuality, or gender-related identity, whether or not
23 traditionally associated with the person's designated sex at
24 birth. "Sexual orientation" does not include a physical or
25 sexual attraction to a minor by an adult.

26 (O-5) Source of Income. "Source of income" means the source

1 of any lawful income or any lawful rent payment that can be
2 verified as to its amount, length of time received, regularity,
3 or receipt, including any subsidy authorized under Section 8 of
4 the United States Housing Act of 1937 and any other local,
5 State, or federal subsidy or benefit.

6 (P) Unfavorable Military Discharge. "Unfavorable military
7 discharge" includes discharges from the Armed Forces of the
8 United States, their Reserve components or any National Guard
9 or Naval Militia which are classified as RE-3 or the equivalent
10 thereof, but does not include those characterized as RE-4 or
11 "Dishonorable".

12 (Q) Unlawful Discrimination. "Unlawful discrimination"
13 means discrimination against a person because of his or her
14 race, color, religion, national origin, ancestry, age, sex,
15 marital status, order of protection status, disability,
16 military status, sexual orientation, pregnancy, or unfavorable
17 discharge from military service as those terms are defined in
18 this Section.

19 (Source: P.A. 97-410, eff. 1-1-12; 97-813, eff. 7-13-12;
20 98-1050, eff. 1-1-15.)

21 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

22 Sec. 3-102. Civil rights violations; real estate
23 transactions. It is a civil rights violation for an owner or
24 any other person engaging in a real estate transaction, or for
25 a real estate broker or salesman, because of unlawful

1 discrimination or familial status or source of income, to

2 (A) Transaction. Refuse to engage in a real estate
3 transaction with a person or to discriminate in making
4 available such a transaction;

5 (B) Terms. Alter the terms, conditions or privileges of
6 a real estate transaction or in the furnishing of
7 facilities or services in connection therewith;

8 (C) Offer. Refuse to receive or to fail to transmit a
9 bona fide offer to engage in a real estate transaction from
10 a person;

11 (D) Negotiation. Refuse to negotiate for a real estate
12 transaction with a person;

13 (E) Representations. Represent to a person that real
14 property is not available for inspection, sale, rental, or
15 lease when in fact it is so available, or to fail to bring
16 a property listing to his or her attention, or to refuse to
17 permit him or her to inspect real property;

18 (F) Publication of Intent. Make, print, circulate,
19 post, mail, publish or cause to be made, printed,
20 circulated, posted, mailed, or published any notice,
21 statement, advertisement or sign, or use a form of
22 application for a real estate transaction, or make a record
23 or inquiry in connection with a prospective real estate
24 transaction, that indicates any preference, limitation, or
25 discrimination based on unlawful discrimination or
26 unlawful discrimination based on familial status or source

1 of income, or an intention to make any such preference,
2 limitation, or discrimination;

3 (G) Listings. Offer, solicit, accept, use or retain a
4 listing of real property with knowledge that unlawful
5 discrimination or discrimination on the basis of familial
6 status or source of income in a real estate transaction is
7 intended.

8 (Source: P.A. 99-196, eff. 7-30-15; 99-642, eff. 7-28-16.)

9 (775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

10 Sec. 3-103. Blockbusting. It is a civil rights violation
11 for any person to:

12 (A) Solicitation. Solicit for sale, lease, listing or
13 purchase any residential real estate within this State, on the
14 grounds of loss of value due to the present or prospective
15 entry into the vicinity of the property involved of any person
16 or persons of any particular race, color, religion, national
17 origin, ancestry, age, sex, sexual orientation, marital
18 status, familial status, source of income, or disability.

19 (B) Statements. Distribute or cause to be distributed,
20 written material or statements designed to induce any owner of
21 residential real estate in this State to sell or lease his or
22 her property because of any present or prospective changes in
23 the race, color, religion, national origin, ancestry, age, sex,
24 sexual orientation, marital status, source of
25 income, or disability of residents in the vicinity of the

1 property involved.

2 (C) Creating Alarm. Intentionally create alarm, among
3 residents of any community, by transmitting communications in
4 any manner, including a telephone call whether or not
5 conversation thereby ensues, with a design to induce any owner
6 of residential real estate in this state to sell or lease his
7 or her property because of any present or prospective entry
8 into the vicinity of the property involved of any person or
9 persons of any particular race, color, religion, national
10 origin, ancestry, age, sex, sexual orientation, marital
11 status, familial status, source of income, or disability.

12 (Source: P.A. 97-877, eff. 8-2-12.)

13 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

14 Sec. 3-106. Exemptions. Nothing contained in Section 3-102
15 shall prohibit:

16 (A) Private Sales of Single Family Homes.

17 (1) Any sale of a single family home by its owner so
18 long as the following criteria are met:

19 (a) The owner does not own or have a beneficial
20 interest in more than three single family homes at the
21 time of the sale;

22 (b) The owner or a member of his or her family was
23 the last current resident of the home;

24 (c) The home is sold without the use in any manner
25 of the sales or rental facilities or services of any

1 real estate broker or salesman, or of any employee or
2 agent of any real estate broker or salesman;

3 (d) The home is sold without the publication,
4 posting or mailing, after notice, of any advertisement
5 or written notice in violation of paragraph (F) of
6 Section 3-102.

7 (2) This exemption does not apply to paragraph (F) of
8 Section 3-102.

9 (B) Apartments. Rental of a housing accommodation in a
10 building which contains housing accommodations for not more
11 than 4 families living independently of each other, if the
12 owner resides in one of the housing accommodations. This
13 exemption does not apply to paragraph (F) of Section 3-102.

14 (C) Private Rooms. Rental of a room or rooms in a private
15 home by an owner if he or she or a member of his or her family
16 resides therein or, while absent for a period of not more than
17 twelve months, if he or she or a member of his or her family
18 intends to return to reside therein.

19 (D) Reasonable local, State, or Federal restrictions
20 regarding the maximum number of occupants permitted to occupy a
21 dwelling.

22 (E) Religious Organizations. A religious organization,
23 association, or society, or any nonprofit institution or
24 organization operated, supervised or controlled by or in
25 conjunction with a religious organization, association, or
26 society, from limiting the sale, rental or occupancy of a

1 dwelling which it owns or operates for other than a commercial
2 purpose to persons of the same religion, or from giving
3 preference to such persons, unless membership in such religion
4 is restricted on account of race, color, or national origin.

5 (F) Sex. Restricting the rental of rooms in a housing
6 accommodation to persons of one sex.

7 (G) Persons Convicted of Drug-Related Offenses. Conduct
8 against a person because such person has been convicted by any
9 court of competent jurisdiction of the illegal manufacture or
10 distribution of a controlled substance as defined in Section
11 102 of the federal Controlled Substances Act (21 U.S.C. 802).

12 (H) Persons engaged in the business of furnishing
13 appraisals of real property from taking into consideration
14 factors other than those based on unlawful discrimination or
15 familial status or source of income in furnishing appraisals.

16 (H-1) The owner of an owner-occupied residential building
17 with 4 or fewer units (including the unit in which the owner
18 resides) from making decisions regarding whether to rent to a
19 person based upon that person's sexual orientation.

20 (I) Housing for Older Persons. No provision in this Article
21 regarding familial status shall apply with respect to housing
22 for older persons.

23 (1) As used in this Section, "housing for older
24 persons" means housing:

25 (a) provided under any State or Federal program
26 that the Department determines is specifically

1 designed and operated to assist elderly persons (as
2 defined in the State or Federal program); or

3 (b) intended for, and solely occupied by, persons
4 62 years of age or older; or

5 (c) intended and operated for occupancy by persons
6 55 years of age or older and:

7 (i) at least 80% of the occupied units are
8 occupied by at least one person who is 55 years of
9 age or older;

10 (ii) the housing facility or community
11 publishes and adheres to policies and procedures
12 that demonstrate the intent required under this
13 subdivision (c); and

14 (iii) the housing facility or community
15 complies with rules adopted by the Department for
16 verification of occupancy, which shall:

17 (aa) provide for verification by reliable
18 surveys and affidavits; and

19 (bb) include examples of the types of
20 policies and procedures relevant to a
21 determination of compliance with the
22 requirement of clause (ii).

23 These surveys and affidavits shall be admissible in
24 administrative and judicial proceedings for the purposes
25 of such verification.

26 (2) Housing shall not fail to meet the requirements for

1 housing for older persons by reason of:

2 (a) persons residing in such housing as of the
3 effective date of this amendatory Act of 1989 who do
4 not meet the age requirements of subsections (1)(b) or
5 (c); provided, that new occupants of such housing meet
6 the age requirements of subsections (1)(b) or (c) of
7 this subsection; or

8 (b) unoccupied units; provided, that such units
9 are reserved for occupancy by persons who meet the age
10 requirements of subsections (1)(b) or (c) of this
11 subsection.

12 (3) (a) A person shall not be held personally liable
13 for monetary damages for a violation of this Article if
14 the person reasonably relied, in good faith, on the
15 application of the exemption under this subsection (I)
16 relating to housing for older persons.

17 (b) For the purposes of this item (3), a person may
18 show good faith reliance on the application of the
19 exemption only by showing that:

20 (i) the person has no actual knowledge that the
21 facility or community is not, or will not be,
22 eligible for the exemption; and

23 (ii) the facility or community has stated
24 formally, in writing, that the facility or
25 community complies with the requirements for the
26 exemption.

1 (J) Child Sex Offender Refusal to Rent. Refusal of a child
2 sex offender who owns and resides at residential real estate to
3 rent any residential unit within the same building in which he
4 or she resides to a person who is the parent or guardian of a
5 child or children under 18 years of age.

6 (Source: P.A. 95-42, eff. 8-10-07; 95-820, eff. 1-1-09.)